

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 261 OF 2026

Kapil Bajarang Jadhav

VERSUS

The State of Maharashtra And Anr.

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Mr. Ramanik P. Pawar a/w Mr. Dinsesh S. Sonarlikar, Mr. Parvez Nadaf, Mr. Samadhan Mahamulkar, Mr. Raturaj Patil, Mr. Rahul Gupta i/by Mr. Amit Waykool, Advocate for the Applicant.

Dr. A. A. Takalkar, APP for the Respondent-State.

Mr. Nandkumar Shankar Ghugare, ASI, Hatkanangale Police Station, present.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 30th MARCH, 2026.

P. C. :

1. The applicant seeks regular bail in connection with C.R. No. 93 of 2025 dated 27.02.2025 registered with Hatkanangale Police Station, District Kolhapur for the offences punishable under Sections 308(5), 118(1), 115(2), 352(2), 351(4), 3(5) of the *Bhartiya Nyaya Sanhita, 2023* and Section 25(4) of the Arms Act, 1959.

2. Heard.

3. Learned Counsel for the applicant submits that the applicant is falsely implicated in the present case. There is no incriminating

material against the applicant. The allegations levelled against the applicant are not substantiated. Nothing remains to be recovered at the instance of the applicant. Since the charge-sheet has been filed, further detention of the applicant is not warranted. Hence, it is prayed that the application be allowed.

4. Per contra, learned APP opposed the application, submitting that the offence is serious in nature. The applicant has a criminal antecedent. There is sufficient material on record indicating the complicity of the applicant. Learned APP has further expressed an apprehension that if the applicant is released on bail, may influence or threaten the witnesses. Thus, it is prayed that the application be rejected.

5. Upon considering the submissions of both sides and upon perusal of the material on record, including the charge-sheet, prima facie, it appears that there is no incriminating material against the applicant. Nothing remains to be recovered at the instance of the applicant, and the necessary recovery has already been effected by the investigating agency. The applicant is in custody for more than one year. Therefore, further detention of the applicant is unjustified.

6. While the prosecution highlights the applicant's criminal antecedent, it is a settled principle of law in the case of *Prabhakar Tewari Vs. State of U.P and another [(2020) 11 SCC 648]* that mere existence of prior cases does not serve as a ground to deny bail, if the facts of the present case, fail to establish a prima facie necessity for continued incarceration.

7. Considering the fact that the investigation is complete for all intents and purposes, and the charge-sheet has already been filed, and in the absence of any overt act attributed to the present applicant, I am persuaded to exercise discretion in favour of the applicant. As far as the apprehension expressed by the learned A.P.P is concerned, the same can be adequately taken care of by imposing stringent conditions. Hence, the order :-

ORDER

- I. The bail application is allowed.
- II. applicant - Kapil Bajarang Jadhav be released on bail, on furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with C.R. No. 93 of 2025 dated 27.02.2025 registered with Hatkanangale Police Station, District Kolhapur for the offences

punishable under Sections 308(5), 118(1), 115(2), 352(2), 351(4), 3(5) of the *Bhartiya Nyaya Sanhita, 2023* and Section 25(4) of the Arms Act, 1959, on the following conditions :-

(a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

(b) The applicant shall not enter into the jurisdiction of Districts Kolhapur, Sangli and Satara till conclusion of trial except attending the dates before the concerned Court.

(c) The applicant shall attend the trial on each and every date unless exempted by the trial Court.

(d) The applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address, where he is likely to reside as well as his own phone number and that of his two near relatives.

(e) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to approach the concerned Court seeking cancellation of bail, notwithstanding the fact that this Court has granted bail.

III. Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]